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| 09/826,664      | 04/05/2001  | Paul B. Schroeder    | AUS920000850US1     | 3500             |

35525 7590 06/21/2005

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EXAMINER

SCHLAIFER, JONATHAN D

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2178

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/826,664

Applicant(s)

SCHROEDER, PAUL B.

Examiner

Jonathan D. Schlaifer

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

RD

### DETAILED ACTION

1. This action is responsive to Amendment to Application 09/826,664 filed on 10/29/2004.
2. Claims 1-49 are pending in the case. Claims 1, 9, 21, 30, 36, 41, 47, 48, and 49 are independent claims. Claims 1-4, 7-10, 13-14, 18-22, 25-31, 34-37, 40-42 and 45-49
3. The objections to claim 8 are withdrawn as required by amendment.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 9-10, 30, 36-37, and 47-48 are rejected under 35 U.S.C. <sup>103(a)</sup> ~~102(a)~~ as being unpatentable over Khan et al. (USPN 6,460,038 B1—filing date 9/24/1999), hereinafter Khan '038, further in view of Murphy et al. (USPN 6,096,096—filing date 12/13/1996), hereinafter Murphy.** WB
5. **Regarding independent claim 1**, Khan '038 discloses a method in a data processing system for creating bookmarks (in col. 18, lines 15-65, the invention creates bookmarks), comprising: receiving a request to create a new bookmark for a document (in order to create a bookmark it is inherently necessary that a creation request is received); in response to receiving the request, determining whether a reference bookmark already exists for the document (in step (e) of the claim, a bookmark is accessed remotely, and this occurs in response to the request); if the reference bookmark for the document

already exists, creating a bookmark link(since the reference bookmark is accessed remotely, it is necessary to create a link to it); and linking the bookmark link to the already existing reference bookmark (linking the bookmark link is a necessary part of creating the bookmark link). Khan does not disclose the use of symbolic links in place of bookmark links and that a new bookmark is not created. However, Murphy discloses the use of symbolic links in order facilitate access to data components in col. 9, lines 10-55. It would have been obvious to one of ordinary skill in the art at the time of the invention to use symbolic links as in Murphy in combination with Khan '038 in order to facilitate access to data components.

6. **Regarding independent claim 9**, it is essentially the same as claim 1 except that there is no determining step, and since it is broader, it is rejected under the same rationale.
7. **Regarding dependent claim 10**, identifying the already existing reference bookmark inherently involves presenting at least one existing bookmark; receiving a selection of a reference bookmark from the at least one existing bookmark because there is no logical way to accomplish this task other than assembling a group of candidates and choosing one.
8. **Regarding independent claim 30**, it is an apparatus that performs the method of claim 1 and it is rejected under the same rationale.
9. **Regarding independent claim 36**, it is an apparatus that performs the method of claim 9 and it is rejected under the same rationale.
10. **Regarding dependent claim 37**, it is an apparatus that performs the method of claim 10 and it is rejected under the same rationale.

11. **Regarding independent claim 47**, it is a computer program in a computer-readable medium that encodes the method of claim 1 and is rejected under similar rationale.
12. **Regarding independent claim 48**, it is a computer program in a computer-readable medium that encodes the method of claim 9 and is rejected under similar rationale.
13. **Claims 2-3, 5, 15-16, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khan '038, further in view of Murphy further in view of Bauersfeld (USPN 5,917,491—filing date 8/29/1997).**
14. **Regarding dependent claim 2**, Khan '038 and Murphy fail to disclose receiving a name for the symbolic link. However, Bauersfeld, in col. 3, lines 20-30, discloses that links have name to aid in identifying them. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Bauersfeld's practice of naming links into Khan '038 and Murphy in order aid in identifying links.
15. **Regarding dependent claim 3**, Khan '038 and Murphy fail to disclose receiving a description for the symbolic link. However, Bauersfeld, in col. 3, lines 20-30, discloses that links have descriptions to aid in storing background information about them. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Bauersfeld's practice of naming links into Khan '038 and Murphy in order to aid in storing background information about them.
16. **Regarding dependent claim 5**, Khan '038 and Murphy fails to disclose that each bookmark includes a uniform resource locator for the document. However, Bauersfeld, in col. 3, lines 10-20 discloses that bookmarks have URLs in order to aid in retrieving the web page associated with the bookmark subsequently. It would have been obvious to one

of ordinary skill in the art at the time of the invention to use URLs with the bookmarks in Khan '038 after the manner of Bauersfeld in order to aid in retrieving the web page associated with the bookmark subsequently.

17. **Regarding dependent claim 15**, it contains the same limitation as claim 5 and is rejected under the same rationale.
18. **Regarding dependent claim 16**, it incorporates the determination step from claim 1 into claim 15 and it is rejected under the same rationale.
19. **Regarding independent claim 32**, it is an apparatus that performs the method of claim 5 and it is rejected under the same rationale.
20. **Claims 4, 20, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khan '038, further in view of Murphy, further in view of Reiter (USPN 5,642,503—filing date 12/15/1993).**
21. **Regarding dependent claim 4**, Khan '038 and Murphy fail to disclose that the step of linking the symbolic link to the already existing reference bookmark comprises storing a pointer to the already existing reference bookmark in the symbolic link. However, Reiter in col. 3, lines 65-67 and col. 4, lines 1-20 discloses how linking involves storing a pointer (see col. 4 lines 13-15) in order to efficiently and elegantly record relevant linking information. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Khan '038 and Murphy by linking with a pointer as in Reiter in order to efficiently and elegantly record relevant linking information.
22. **Regarding dependent claim 20**, it incorporates the limitations of claim 4 into claim 9 and is rejected under the same rationale.

23. **Regarding dependent claim 31**, it is an apparatus that performs the method of claim 4 and it is rejected under the same rationale.
24. **Claims 6, 17, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khan '038 and Murphy, further in view of Bauersfeld, further in view of Himmel et al. (USPN 6,037,934—filing date 11/21/1997), hereinafter Himmel.**
25. **Regarding dependent claim 6**, Khan '038, Murphy and Bauersfeld fail to disclose that the step of determining whether a reference bookmark already exists for the document comprises comparing the uniform resource locator of the bookmark to the uniform resource locator of each existing bookmark. However, Himmel discloses in col. 17, lines 55-65 that URLs are compared to determine if bookmarks exist, in order to detect redirection conditions. It would have been obvious to one of ordinary skill in the art at the time of the invention to compare URLs as in Himmel in the context of Khan '038, Murphy and Bauersfeld in order to detect redirection conditions.
26. **Regarding dependent claim 17**, it incorporates the limitations of claim 6 into claim 16 and is rejected under the same rationale.
27. **Regarding independent claim 33**, it is an apparatus that performs the method of claim 6 and it is rejected under the same rationale.
28. **Claims 7-8 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khan '038, further in view of Murphy, further in view of Isreal et al. (USPN 6,330,007 B1—filing date 12/18/1998), hereinafter Isreal.**
29. **Regarding dependent claim 7**, Khan '038 and Murphy fail to disclose that if the reference bookmark for the document already exists, prompting a user whether to create

the symbolic link. However, Isreal discloses in col 12, lines 30-45 prompting the user if duplication of a screen ID is found. This is analogous art because in both cases duplication occurs and prompting is the response. It would have been obvious to one of ordinary skill in the art at the time of the invention to add Isreal's feature of prompting upon duplication to Khan '038 and Murphy because it gives the user a chance to select an appropriate response to the case when duplication occurs.

30. **Regarding dependent claim 8**, Khan '038, Murphy and Isreal fail to disclose that the step of creating the symbolic link comprising creating the symbolic link in response to a user's request to create the symbolic link. However, it was notoriously well known in the art at the time of the invention that when a user is prompted for an action, it is obvious to carry out the action if the user decides to do the action. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention to actually create the link if the user selected this course action at the prompt because this would satisfy the user's expectations.
31. **Regarding dependent claim 34**, it is an apparatus that performs the method of claim 7 and it is rejected under the same rationale.
32. **Regarding dependent claim 35**, it is an apparatus that performs the method of claim 8 and it is rejected under the same rationale.
33. **Claims 11-14 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khan '038, further in view of Murphy, further in view of Crandall et al. (USPN 6,321,228 B1—filing date 8/31/1999), hereinafter Crandall.**



34. **Regarding dependent claim 11**, Khan '038 and Murphy fail to disclose the step of presenting at least one existing bookmark comprises presenting the at least one existing bookmark in a tree structure. However, Crandall discloses in col. 4, lines 1-10 that bookmarks have a tree structure. It would have been obvious to one of ordinary skill in the art at the time of the invention to present the bookmarks in a tree structure in the manner of Crandall in order to efficiently store the bookmark information in a hierarchy.
35. **Regarding dependent claim 12**, Khan '038, Murphy and Crandall fail to explicitly disclose that the step of receiving a selection of a reference bookmark comprises receiving the selection of the reference bookmark in the tree structure. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have this be the case based on claim 11, wherein the bookmarks are presented in a tree structure, and hence it would be obvious to receive the reference bookmark via the tree structure because this would match the user's clear expectations.
36. **Regarding dependent claim 13**, Khan '038 and Murphy fail to disclose displaying a symbolic representation of the symbolic link in the tree structure. However, Crandall discloses displaying a symbolic representation of the symbolic link in the tree structure in col. 6, lines 30-45. It would have been obvious to one of ordinary skill in the art at the time of the invention to display a symbolic representation of the symbolic link in the tree structure as in Crandall in the context of Khan '038 in order to provide the user with a tool for visualizing the symlink structure.
37. **Regarding dependent claim 14**, Khan '038, Murphy, and Crandall fail to disclose that modifications to the reference bookmark are displayed in relation to the symbolic

representation of the symbolic link in the tree structure. However, it was notoriously well known in the art at the time of the invention that users expect displayed material to be an accurate representation of the underlying data structure. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modifications to the reference bookmark be displayed in relation to the symbolic representation of the symbolic link in the tree structure in order to have the displayed material be an accurate representation of the underlying data structure.

38. **Regarding dependent claim 38**, it is an apparatus that performs the method of claim 11 and it is rejected under the same rationale.
39. **Regarding dependent claim 39**, it is an apparatus that performs the method of claim 12 and it is rejected under the same rationale.
40. **Regarding dependent claim 40**, it is an apparatus that performs the method of claim 13 and it is rejected under the same rationale.
41. **Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khan '038, further in view of Murphy, further in view of Isreal, further in view of Bauersfeld.**
42. **Regarding dependent claim 18**, it incorporates the limitations of claim 7 into claim 16 and is rejected under the same rationale.
43. **Regarding dependent claim 19**, it incorporates the limitations of claim 8 into claim 16 and is rejected under the same rationale.

44. **Claims 21-22, 41-42, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khan '038, further in view of Murphy, further in view of Khan et al. (USPN 6,427,175 B1—filing date 9/24/1999), hereinafter Khan '175.**
45. **Regarding independent claim 21**, the claim is analogous to claim 1 except that instead of bookmarks, bookmark folders are manipulated. However, Khan '175 discloses the use of bookmark folders as organizational tools for bookmarks in lines 1-20 of the Abstract. It would have been obvious to one of ordinary skill in the art at the time of the invention to use bookmark folders in the context of Khan '038 in the manner of Khan '175 in order to take advantage of bookmark folders' applicant as organizational tools for bookmarks.
46. **Regarding dependent claim 22**, it modifies claim 21 in a way analogous to the way in which claim 10 modifies claim 9, and is rejected under similar rationale.
47. **Regarding independent claim 41**, it is an apparatus that performs the method of claim 21 and it is rejected under the same rationale.
48. **Regarding dependent claim 42**, it is an apparatus that performs the method of claim 22 and it is rejected under the same rationale.
49. **Regarding independent claim 49**, it is a computer program in a computer-readable medium that encodes the method of claim 21 and is rejected under similar rationale.
50. **Claims 23-26 and 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khan '038, further in view of Murphy, further in view of Khan '175, further in view of Crandall.**
51. **Regarding dependent claim 23**, it modifies claim 22 in a way analogous to the way in which claim 11 modifies claim 10, and is rejected under similar rationale.

52. **Regarding dependent claim 24**, it modifies claim 23 in a way analogous to the way in which claim 12 modifies claim 11, and is rejected under similar rationale.
53. **Regarding dependent claim 25**, it modifies claim 23 in a way analogous to the way in which claim 13 modifies claim 11, and is rejected under similar rationale.
54. **Regarding dependent claim 26**, it modifies claim 25 in a way analogous to the way in which claim 14 modifies claim 13, and is rejected under similar rationale.
55. **Regarding dependent claim 43**, it is an apparatus that performs the method of claim 23 and it is rejected under the same rationale.
56. **Regarding dependent claim 44**, it is an apparatus that performs the method of claim 24 and it is rejected under the same rationale.
57. **Regarding dependent claim 45**, it is an apparatus that performs the method of claim 25 and it is rejected under the same rationale.
58. **Regarding dependent claim 46**, it is an apparatus that performs the method of claim 26 and it is rejected under the same rationale.
59. **Claims 27-28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Khan '038, further in view of Murphy, further in view of Khan '175, further in view of Bauersfeld (USPN 5,917,491—filing date 8/29/1997).**
60. **Regarding dependent claim 27**, it modifies claim 21 in a way analogous to the way in which claim 2 modifies claim 1, and is rejected under similar rationale.
61. **Regarding dependent claim 28**, it modifies claim 21 in a way analogous to the way in which claim 3 modifies claim 1, and is rejected under similar rationale.

**62. Claims 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Khan '038, further in view of Murphy, further in view of Khan '175, further in view of Reiter (USPN 5,642,503—filing date 12/15/1993).**

**63. Regarding dependent claim 29, it modifies claim 21 in a way analogous to the way in which claim 4 modifies claim 1, and is rejected under similar rationale.**

***Response to Arguments***

64. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.
65. Applicant's arguments filed 10/29/2004 have been fully considered but they are not persuasive.
66. Applicant's argument for Claim 1, that Khan '038 does not teach whether a reference bookmark already exists is, in the opinion of the Examiner, fallacious. Khan teaches manipulation of a reference bookmark; it would be impossible to do this without determining whether it already exists, which is an inherent step. The other arguments regarding this claim are moot. Claims 9, 30, 36, 47, and 48 are susceptible to similar arguments. The argument about making changes is moot.
67. Claims 2, 3, 5, 15, 16, and 32 are subject to similar arguments, as they are argued to be patentable based on claims which are still rejected.
68. Claims 4, 20, 31 are allegedly patentable because of referring to an already existing reference bookmark. However, this would be inherent to the art and the rejections stand.
69. Claims 6, 17 and 33 are subject to similar arguments, as they are argued to be patentable based on claims which are still rejected.
70. Regarding claims 7, 8, 34, and 35, Khan '038 and Israel disclose input and link creation when taken together and the Examiner believes them to be strong enough art to support a rejection.
71. Claims 11-14 and 38-40 are subject to similar arguments, as they are argued to be patentable based on claims which are still rejected.

72. Claims 18 and 19 are subject to similar arguments, as they are argued to be patentable based on claims which are still rejected.

73. For Claims 21-22 and 41-42 and 49, these arguments are moot as the claims are essentially similar to Claim 1, as set forth in the Office Action.

74. Claims 23-26 and 43-46 are subject to similar arguments, as they are argued to be patentable based on claims which are still rejected.

75. Claims 27-28 are subject to similar arguments, as they are argued to be patentable based on claims which are still rejected.

76. Claims 29 are subject to similar arguments, as they are argued to be patentable based on claims which are still rejected.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 5,809,250 (filing date 10/23/1996)—Kisor

USPN 5,935,210 (filing date 11/27/1996)—Stark

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

Art Unit: 2178

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan D. Schlaifer whose telephone number is (571) 272-4129. The examiner can normally be reached on 8:30-5:00, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
6/17/2005